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| 10/612,293 | 06/30/2003 | Daniel A. Day | 884.879US1 | 5819 |
| 21186 7590 05/01/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402 | | | | |
| | | | EXAMINER CHUNG, PHUNG M | |
| | | | ART UNIT 2117 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/612,293

Applicant(s)

DAY, DANIEL A.

Examiner

Phung My Chung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-6 is/are allowed.
- 6) ☒ Claim(s) 7-8, 10-25 and 27-28 is/are rejected.
- 7) ☒ Claim(s) 9,26,29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/23/04 and 5/24/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 7-8, 10-25 and 27-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Whetsel (6,763,485).

As per claim 10, Whetsel discloses a system, comprising:

A first means (1804) for controlling a test access port (TAP)(1802) of an integrated circuit (1800);

A second means (1806) for controlling a test access port; and

A multiplexer module (1808) coupled between the test access port and the first means and between the test access port and the second means, for selectively coupling

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the first or second means to the test access port. (See Fig. 18, col. 20, lines 55-67 to col. 21, lines 1-30).

As per claim 11, Whetsel further discloses wherein the first and second means include respective first and second sets of signal nodes (SDI or TEI and SDO) for outputting or receiving signals from a test access port (Fig. 18); and

Wherein the multiplexer module includes first and second multiplexers, with each multiplexer having a first input node coupled to one of the signal nodes in the first set of signal nodes and a second input node coupled to one of the signal nodes in the second set of signal nodes (col. 32, lines 48-67).

As per claims 12-13, Whetsel further discloses a means for communicating a control signal from the first means to the second means to coordinate control of the test access port (Figs. 15 and 18 and col. 21, lines 31-41).

As per claims 7-8, 14-25- and 27-28, these method claims are rejected under similar rationale as set forth in system claims 10-13.

Claim Objections

3. Claims 9, 26 and 29-30 are objected to as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims Allowable

4. Claims 1-6 are allowable.

Response to Amendment

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5. Applicant's arguments filed 6/13/06 have been fully considered but they are not persuasive because:

Firstly, Applicant argues that it does not appear that one of skill in the art would regard core controllers 1804 and 1806 as controlling IC controller 1802 as a test access port.

Examiner disagrees with applicant because Whetsel Fig. 18, the multiplexer 1808 selecting one of the controllers 1804 or 1806 which control the IC controller 1802 by inserting the SDO and SDI1 signals of the multiplexer to the integrated circuit controller (TAP of integrated circuit). (See Fig. 18, col. 20, lines 55-67 to col. 21, line 1).

Secondly, Applicant argues that Whetsel does not teach the language as recites in claims 1-9 and 14-28, for example, claim 1, recites "detecting a condition of an integrated circuit having a TAP while communicating with the TAP using a first TAP control device" and "communicating with the TAP using a second TAP control device in response to detecting the condition".

Examiner disagrees with applicant because claims 1-6 have been allowed and claims 9, 26 and 29-30 are objected to because these claims content the language, for example, in claim 1, recites "detecting a condition of an integrated circuit having a TAP while communicating with the TAP using a first TAP control device" and "communicating with the TAP using a second TAP control device in response to detecting the condition".

Claims 7-8, 10-25 and 27-28 are remain rejected because these claims did not include the language as recited in, for example, claim 1, recites "detecting a condition of an integrated circuit having a TAP while communicating with the TAP using a first TAP

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control device" and "communicating with the TAP using a second TAP control device in response to detecting the condition".

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung My Chung whose telephone number is 571-272-3818. The examiner can normally be reached on Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jacques Louis-jacques can be reached on 571-272-6962. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Phung My Chung
Primary Patent Examiner
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